

January 11, 2010

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

JANUARY 11, 2010

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
FRANCIS BEDETTI, JR.
JAMES DITTBRENNER
LEN MCDONALD
KIMBERLY VOLPE

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

NICOLE JULIAN
ZONING BOARD SECRETARY

ABSENT: PAT TORPEY

REGULAR MEETING

MR. KANE: I'd like to call the Town of New Windsor
Zoning Board of Appeals January 11, 2010 regular
session to order.

APPROVAL OF MINUTES DATED NOVEMBER 9, 2009

MR. KANE: Motion to accept the minutes of November 9,
2009 as written.

MR. DITTBRENNER: So moved.

MR. BEDETTI: Second it.

ROLL CALL

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MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. VOLPE	AYE
MR. MCDONALD	AYE

PRELIMINARY_MEETINGS:

MATTHEW_HANNA_(09-36)

MR. KANE: Tonight's first preliminary meeting Matthew Hanna request for proposed 24 x 48 accessory building. Variance to permit 23 foot of height and the building to project closer to Roosje Lane than the principal building. What we do in New Windsor so you understand and everybody else we have a preliminary, some towns run one meeting and what we do at a preliminary is that we get to hear what you need to do, hopefully you have all the information. If you don't, then we can ask questions and tell you what you need to provide us in a public hearing. But New York State law everything has to be done in a public hearing. Some other towns you go in cold, you don't have the right information you lose, you're out for six months before you come back. It's a two step process but we think it works a lot better. State your name and address, tell us exactly what you want to do.

MR. HANNA: Matthew Hanna, 1 Roosje Lane, Rock Tavern, New York. We're proposing a 24 x 48 garage. Basically, the reason, I mean, I guess the first variance would be for height, it's projected to be 23 which obviously will require a variance. And the other is the home is an 1800s, 1820s home was originally off Toleman Road, there was a private road created Roosje Lane which in essence really still appears to be basically our side yard which now is our, considered our front yard. So the garage we're proposing to be, it would be towards the rear of the home as it sits on the property but due to the fact that there's now a private road it's going to be closer to Roosje Lane than the primary residence.

MR. KANE: Cutting down any trees, substantial vegetation in the building?

MR. HANNA: No.

MR. KANE: Creating any water hazards or runoffs?

MR. HANNA: Absolutely not.

MR. KANE: Any easements running through where you want to build this?

MR. HANNA: No.

MR. KANE: Talk to me about the height, why a 23 foot height?

MR. HANNA: I mean it's one basically 24 but 24 foot which has a loft and that loft is I mean basically storage space and then the two sides are basically 12 x 24 on the side of it and that's the plans that we have an existing height of 23 feet.

MR. KANE: Will the height of the building be visible from the road?

MR. HANNA: Most likely.

MR. KANE: Will it impede any vision of traffic coming down the road one way or another?

MR. HANNA: No, absolutely not.

MR. KANE: Questions?

MR. HANNA: And also I had spoken with a couple other folks, the reason we cannot put it even further back it's our existing drilled well, there's a well.

MR. KANE: Further questions from the board?

MR. BEDETTI: What's the height of the house?

MR. HANNA: It's considerably more than 23 feet, I wouldn't know.

MR. KANE: Two story attic.

MR. HANNA: Plus a full stand-up attic.

MR. DITTBRENNER: Are there any utility easements that are affected by this?

MR. HANNA: It would run on top and I have, actually, we had, I'm going to have to call again but I called at the time to was it Dig Save through New York and they came out and flagged it as well but it would, yes, run over an existing underground line use to our home.

MR. KANE: Thought I asked that question about any easements going anywhere you wanted to put this. So there is a utility easement going through?

MR. HANNA: An easement, well, it's our underground just from our box to the house.

MR. KANE: It's not an easement, it's your power?

MR. HANNA: Yes, it's our lot.

MR. KANE: Easement is a right-of-way, basically.

MR. HANNA: No, it would be ours, correct.

MR. KANE: So no easement?

MR. HANNA: No.

MR. KANE: Alright, I see what you're looking at, Jim.

MR. DITTBRENNER: Yeah, just wanted to make sure that wasn't an easement.

MR. HANNA: The underground runs right along Roosje Lane up to the box and the box runs from our home.

MR. KANE: From that corner down?

MR. HANNA: Correct.

MR. DITTBRENNER: Just because of the overhead utility running from the pole to the house, I wondered why there was an underground but that's strictly yours.

MR. HANNA: And there's no overhead anymore.

MR. KANE: Overhead was removed?

MR. HANNA: When the private road was installed they ran underground, correct.

MR. KANE: Further questions? At this point, I'll accept a motion.

MR. MCDONALD: I'll make that motion that we schedule a public hearing for Mr. Hanna for the variances as requested.

MS. VOLPE: Second the motion.

ROLL CALL

MS. VOLPE	AYE
MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. MCDONALD	AYE
MR. KANE	AYE

MS. JULIAN: This is your next step.

MR. HANNA: Thank you.

MR. KANE: Have a good evening.

JAMES_REYNOLDS_(09-39)

MR. KANE: Next preliminary meeting is James Reynolds Price Chopper request for variance for a proposed freestanding sign that will exceed maximum size 64 square feet at 115 Temple Hill Road in a C zone.

MR. REYNOLDS: Good evening, my name is James Reynolds, I'm the architect that's been hired to represent VGR Associates which is the owner of Price Chopper Plaza. The property which is maybe you're all familiar it's at the intersection of Routes 300 and 94, Five Corners and Price Chopper existing structure is here, sort of an L-shaped plaza with some smaller secondary buildings located here. There are existing third party structures, properties that occupy Five Corners space and the primary entrance to the plaza is one on 300 located here and a actually two secondary entrances off Route 94 but principal entry being located here. What our variance entails is proposal for some new signage, we're proposing one sign each at these two primary entrances and I've had a preliminary meeting with the town engineer late last week and in discussions with him he suggested that we modify our original proposal to elevate that monument sign which is just to allow for greater visibility through the base of that monument sign. So this evening I brought an amended submission which replaces this modified design principally to allow for greater visibility for vehicular traffic. There are a few other design elements that have, that we're certainly open, you know, from our perspective, this is a preliminary proposal and we'd certainly be open to any other constructive dialogue of that.

MR. KANE: Do you have freestanding signs existing now?

MR. REYNOLDS: There are some existing freestanding signs that some of the tenants have that have erected, there's an Advanced Auto has a freestanding sign which

is located at this point here, there's a smaller Allstate Insurance sign that's indicated on the site plan as part of the submission, it's here and there's a bank building with a monument sign adjacent to its location. Those are the principal existing freestanding signs.

MS. VOLPE: Will this sign be replacing the signs that are existing?

MR. REYNOLDS: Well, I think the owners and the tenants would like to be able to keep those if that's possible. Whatever the owners have expressed and what the tenants, the other majority of tenants would like to have is some additional exposure on those routes because there's really no plaza mark, visual marker for those entrances egresses so the intent is to provide that visual reference and to give them some signage on those principal adjacent routes.

MR. KANE: I'm a little concerned with inundating the property with more freestanding signs. I understand most of the businesses don't have them so I'd be inclined to look at losing a couple of those, my own personal opinion on that, cause most of them are going to be on your main board as it is, right?

MR. REYNOLDS: Correct, we've made provision on the main board for them.

MR. KANE: I'm assuming it's both sides?

MR. REYNOLDS: That's correct. I believe I've only been involved in this property for the last year or so so I don't know the whole history, I picked up somewhere anecdotally that the autoparts store had come for a permit because, they did come for a permit I think a variance at some point because their sign is I believe larger than the signage that's currently allowed.

MR. DITTBRENNER: That's their building fascia sign.

MR. KANE: Right, the one on the front of the building.

MR. REYNOLDS: Well, they have two, they've got two on the building and then there's another freestanding one pedestal pylon sign located there.

MR. KANE: Again, that's something I think we should discuss, I'm more inclined to, well, I think this obviously is better looking for the property. I think it really goes, I think it goes with New Windsor and what they want is to show, but I definitely don't want to inundate with a bunch of freestanding signs all over the place. So one thing we'll need to address that. Any illumination on the sign?

MR. REYNOLDS: Yes, well, first of all, just for overall design intent, they have recently done a makeover where they've repainted and resurfaced the plaza and tried to unify some of the colors and finishes that are there, there's currently a bronze standing metal roof on the walkways on the covered portions so we want to basically integrate this sign with the building and we're proposing to use an E-face (phonetic) material with a compatible color similar to what's currently existing in the plaza. It's an off-white probably I'll say two tones for E-face and we would have to develop some profiles, give that some architectural definition as well. So that would be the primary structure that would support a backlit sign board for those principal tenants and that's a similar, we're proposing a back lit sign, I should also say that Paul Beichert is here from Timely Signs, he's prepared the signage proposal so if you have any specific questions about signage.

MR. KANE: Internally illuminated?

MR. BEICHERT: Yes, yes, there are two primary cabinets, the upper cabinet is for the larger tenant spaces and your sheets have specifications on it and this is for the smaller tenants, the two individual boxes and those will be lit with your standard fluorescent and the tube's translucent.

MR. KANE: Nothing flashing?

MR. BEICHERT: No, no, no flashing.

MR. KANE: So your request, I'm just looking at this is a request for a variance for proposed freestanding sign that will exceed maximum of 64 square feet. If they're putting up two it would be and I think we need a clarification from the building department if the plaza is allowed to have one and then they're asking for one extra but in any case, you need two variances, a variance on the sign size for an existing one and then the variance on the sign size for additional freestanding.

MR. REYNOLDS: You can certainly educate me.

MR. KANE: So we get the right notices out to the public.

MR. BEICHERT: And the height also remember you'll get to that.

MR. REYNOLDS: Correct, two separate issues. The one that you initially raised with respect to the number and location by my read of town zoning code, there's a provision to allow for two freestanding signs if with upon approval and if they're greater than 300 feet apart, distance apart and that they I guess I'm paraphrasing the language but serve two different entrance points and I can say from a scaled reference those are greater than 300 feet distance.

MR. KANE: We just want to check that to make sure that we're correct when we send out that mailing because that has to be right.

MR. REYNOLDS: Absolutely, I'm not clear on my understanding about who would review that 300 foot condition.

MR. KANE: Building department.

MR. REYNOLDS: Well, I believe that we're, I mean, I measured it, I believe we're certainly over the 300 feet, if there's any other approval process required. The second point that Paul raised with respect to this revised proposal because we have elevated the sign as proposed it would exceed the overall height requirement by a foot.

MR. BEICHERT: Sixteen inches.

MR. REYNOLDS: Excuse me, currently the overall height maximum is 15 feet, we've got 16, excuse me, 16-4.

MR. KANE: So to narrow it down, we need to number one check on the status of if both are available to you as freestanding signs and you don't need a variance to get a secondary freestanding sign. We need to correct the notice so that it says both signs will need a variance for exceeding maximum square footage, okay, and then you'll also need to put in the third thing that's requesting a 16 inch height variance on both signs, I got all that I think.

MR. KRIEGER: Also I think it would be helpful for the board if they knew the position of the building department with respect to the tenant, whether each tenant in the plaza is entitled to a freestanding sign themselves. My understanding of their interpretation in the past is every business is entitled to a freestanding sign that would result in a force of

freestanding signs and I'm not aware of any written, anything written in the statute to exempt them but--

MR. KANE: We'll make sure.

MR. KRIEGER: It would be useful to know the building department's position.

MR. KANE: Nicole, could you check on that?

MR. REYNOLDS: In response to that point, I think certainly with respect to the existing, stick my neck far enough out to say that the owners would be prepared to stipulate that no additional freestanding signs, that this would be it, that there wouldn't be anything else, I don't know what the board's disposition on that would be.

MR. KANE: Right now we're on a fact finding, we know exactly what each one does and is allowed to have before we step on people's toes. Okay, further questions from the board right now?

MR. DITTBRENNER: Would the owner be amenable to giving up the site of the other freestanding signs because I echo the chairman's concerns with all these other illuminated signs on the property and then these two substantial multiple signs?

MR. KANE: I think that's a discussion you want to have on your end for the public hearing, bring up where the give and take is going to go.

MR. REYNOLDS: Yes.

MR. KANE: Further questions?

MR. BEDETTI: What's the height of the stone face of that sign? What's that, about five feet, four feet?

MR. BEICHERT: On this one here looking at the newer one?

MR. KANE: Four feet from the bottom of the sign to the top.

MR. BEICHERT: This, no, here it's this is a visible opening from the top of this stone, the cap to the bottom of the sign is approximately four feet.

MR. KANE: And the stone itself probably about one?

MR. BEICHERT: The stone itself is probably no more than 18 inches in height, it's more of a decorative planter, it may or may not end up there, it was part of our original submission as the base but as we refined these designs away from a solid base, it kind of became cumbersome to keep these stone piers.

MR. KANE: Let me ask you this, if you do lose the stone portion of it, does that take away from the overall height of the sign?

MR. BEICHERT: No because the grade we're measuring from the, basically these columns wrap around, this just would continue down to the ground, there'd be a planting bed, there'd still be landscaping just contained with a stone wall but no, it doesn't really reduce the height of the sign.

MR. KANE: Okay, further questions? I'll accept a motion.

MR. DITTBRENNER: I'll make a motion contingent upon reviewing a determination by the building department on the number of signs allowed for this property that we move forward the application for James Reynolds and Price Chopper for requested variance on the proposed, on two proposed freestanding signs that will exceed the maximum size of 64 square feet in addition a variance

requested for an additional 16 inches in height.

MR. KANE: For each sign.

MR. BEDETTI: I'll second that.

ROLL CALL

MS. VOLPE	AYE
MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. MCDONALD	AYE
MR. KANE	AYE

MR. BEICHERT: May I just ask one question?

MR. KANE: Absolutely.

MR. BEICHERT: Just a preliminary question regarding the content of this sign and in other words, what's happening in this area if James' client approaches Advanced Auto Parts with regard to removing their freestanding sign they're a national chain and they have specific branding guidelines, I believe their signs are red with white text. If given the opportunity to consolidate all of the current freestanding signs onto one monument sign while our proposal here calls for more of a uniform approach as far as the type, would it be possible for Advanced Auto Parts to have their logo brand colors on this sign.

MR. KANE: Anything that you do within that 64 square feet is on you, as long as the lighting isn't, you know, flashing, anything like that but how you design it within this space that you're allowed that's all you.

MR. BEICHERT: I'm just thinking in discussions I want to make sure that they have the freedom to say look, we can put your branding on this new sign, it's going to

be higher.

MR. KANE: Understand, if you're within your zone right there, whatever you do is fine, the only issue would be any kind of change in lighting going on but the design itself has nothing to do with it.

MR. BEICHERT: Okay, thank you.

MS. JULIAN: This is for you guys.

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RAYMOND_YANNONE_III_(10-01)

MR. KANE: Next preliminary meeting Raymond Yannone request for interpretation for an existing house with two kitchens creates a two-family house on Riley Road. Mr. Yannone is not present, we'll say he's not here for the moment and we'll go to the next.

RICARDO_RIVERA_(10-02)

MR. KANE: Next is Ricardo Rivera request for variance for proposed pool deck that will be connected to the house. The pool deck will be 12 foot to the rear property line, 40 feet is required, a variance of 28 feet is required at 123 Creamery Drive.

Mr. Ricardo Rivera appeared before the board for this proposal.

MR. RIVERA: How you doing? I'm alright, first time, little nervous.

MR. KANE: Nothing to be nervous about, only she bites, the rest of us we're okay. State your name and address please.

MR. RIVERA: Ricardo Rivera, 123 Creamery Drive, New Windsor, New York.

MR. KANE: Tell us what you want to do.

MR. RIVERA: Well, I recently added a pool and due to the way my property sits, all my property is in the front of my house, small back yard. I want to be able to enjoy it. I don't have much to work with so I created, I put the pool there in a perfect spot in the middle of my yard with the guidelines and I created kind of a, I wanted to build a deck cause I don't have one as it is and I want to be able to connect my deck with an opening to a small pool deck where we can go and it will all be railed around where you have like a safety door that goes onto a small pool deck. I have 40 feet to my property line in the rear, in the rear of that, there's just it's open land but it's actually the neighbor's property which wouldn't be in anybody's way or would be, I don't know how do I say it.

MR. KANE: What size pool do you have?

MR. RIVERA: Small 18 foot.

MR. KANE: I was in the pool business for 25 years, 18 foot round pool is a small pool. So it's not oversized and you're thinking of putting the deck up for safety issues?

MR. RIVERA: Well, like I said, if I had a bigger yard, I would have the pool away from the house. But since I had to pop it right there, I want to make a small consolidated deck where we can enjoy and be able to come in and out.

MR. KANE: Give you a safer entrance to your pool so for the children that kind of stuff, make it a little more secure?

MR. RIVERA: Yes.

MR. KANE: Cutting down trees or substantial vegetation in the building of this deck?

MR. RIVERA: No.

MR. KANE: Creating any water hazards or runoffs?

MR. RIVERA: No.

MR. KANE: Any easements running through where you propose to build the deck?

MR. RIVERA: No.

MR. KANE: The size of the deck you intend to put up approximately 10 x 10, 12 x 10?

MR. RIVERA: It's kind of an L-shaped so it's 28 and it goes 28 out.

MR. KANE: Okay, I see that, and how high off the ground would the deck be?

MR. RIVERA: About in certain areas about less than four foot.

MR. KANE: About four foot, you've got a 48 inch pool, 52 inch pool?

MR. RIVERA: Yes.

MR. KANE: Okay, about four feet. Okay, that's enough for me. Anybody else on the board with further questions?

MR. DITTBRENNER: Maybe you said it, I apologize, is this, it's a raised deck?

MR. RIVERA: Yes.

MR. KANE: Further questions?

MR. MCDONALD: In looking at the picture here what you have out here coming out these steps is going to be eliminated?

MR. RIVERA: Yes, it actually comes, it will come out level with the entrance from the house, actually is probably less, 3 1/2 feet.

MR. KANE: Len, here's a picture.

MR. RIVERA: It's not going to be open access to the pool, it's actually going to be railed with a safety door onto a small 10 by--

MR. KANE: As we get to the public hearing, even though you're approved to do it in here, you still are going to be required to meet all the standards from the building department and in the building of the deck as

far as self-latching gates.

MR. RIVERA: Yes.

MR. KANE: Further questions?

MR. BEDETTI: Is that a chain link fence that separates your property from where the--

MR. RIVERA: Yes.

MR. KANE: Further questions? I'll accept a motion from the board.

MS. VOLPE: I'll offer a motion we set up Ricardo Rivera for a public hearing for his request for a variance for proposed pool deck as stated on the agenda.

MR. DITTBRENNER: Second it.

ROLL CALL

MS. VOLPE	AYE
MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. MCDONALD	AYE
MR. KANE	AYE

MR. RIVERA: Thank you very much.

MS. JULIAN: This is for you.

MR. KANE: If you see me looking at your yard, you'll know who it is. I just live right around the block so I'm sure I'll be down to take a look.

MR. RIVERA: More than welcome, okay.

MR. KANE: That tells you what you have to do next.

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MR. RIVERA: Thank you.

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PATRICK_TORPEY_(09-37)

MR. KANE: Next is Patrick Torpey who is not present
so we'll move on.

PUBLIC HEARINGS:

ARGENIO_BROTHERS_(09-34)

MR. KANE: First public hearing on our agenda is Argenio Brothers a variance for proposed additional to exceed maximum building height, 2, proposed 60 x 120 pole barn will not meet minimum side yard setbacks and will exceed maximum permitted building height at 2 Argenio Drive. Let me ask if there's anybody here for this particular hearing? Nobody's here so we'll show that there's nobody in the audience for this. You're on.

MR. ELY: Good evening, my name is Jordan Ely, I'm a partner at Argenio Brothers and I'm here to represent the application to the board. The application that we have consists of two parts. The first part is a proposed addition of just over 3,600 square feet, excuse me, just over 3,400 square feet. We're proposing an addition on the north side of our building, our lot is here and Argenio Drive, to the north of our existing facility is the concrete plant, to the south of our facility is an abandoned trucking terminal, we have the railroad tracks on the western side of our property and eastern side behind us is the asphalt plant. The proposed addition that we're looking to do will allow us to continue our operation as a construction company in the Town of New Windsor where we have been operating for 40 plus years. Our current building is just, we're exceeding the building in terms of our needs for office space, plant rooms, plant storage. The building that we're working with is an older building, 30 plus years old, we have been working with an architect to develop an aesthetically pleasing roof line that will cover not only the existing building but our addition so that it will look nice from the roadway. It will also help us create a fire break within the building to separate, an additional fire break to separate office spaces. The

building, the proposed addition will not be in the area of any easements, there will be no clearing required, it's currently a paved surface where the addition is proposed and it's not over the course of any drainage so there will be no runoff issues as a result of the addition. So that's the first part of the application. The second part of the application is a proposed pole barn on the back corner of our parcel. I'll show you the site plan. The pole barn proposed is over an existing paved surface where we currently store traffic materials, cones, barrels, pipe materials as they come off projects, castings and such, currently stored on pallets, we would like to provide shelter to this to protect obviously materials from the elements and damage. The proposed building is adjacent to an access drive which is owned by Argenio Brothers which ties in to a parcel out back where we perform our recycling operation. And I think that's it.

MR. KANE: So the road by the side where you want to put the pole barn that road also belongs to Argenio Brothers?

MR. ELY: Correct, Argenio owns this road and this property adjoining it where this road is just an access that goes back to our recycling that facility and this area currently is where all the materials that I described before are currently stored. We would just like to be able to provide shelter for them from the elements.

MR. KANE: What's the property that you guys own that's to the left on that road?

MR. ELY: To the left in terms of its current use this is the concrete plant, concrete plant is roughly in here on this portion of the property and where the, our old asphalt plant used to be is where the recycling operation is, sits back here, this is where Tilcon's asphalt plant and right behind is where Tilcon's

asphalt plant is located and again where the proposed pole barn is, again, no clearing, it's a paved surface, not initiating drainage in that area either.

MR. KANE: The maximum building height we have that both on the building and the pole barn?

MR. ELY: Yes, again because of its proximity to the parking lot along that driveway.

MR. KANE: What kind of variance are we looking for the maximum building height on the pole barn?

MR. ELY: I believe the height is, does it say on here?

MR. DITTBRENNER: Yes, pre-existing non-conforming.

MR. ELY: I believe 18 feet is the proposed height, we haven't got the final design.

MR. ARGENIO: Mr. Chairman, from the bulk table one of the next to last line I think or the last line it says we're looking for 18 feet total height of 18 feet on the pole barn.

MR. DITTBRENNER: It's a 6 foot variance.

MR. KANE: Do we have a copy of the notice that was sent out? I just want to make sure that's not an issue.

MR. DITTBRENNER: We did modify the notice.

MR. KANE: Did we? Okay.

MR. DITTBRENNER: We were specific on that.

MR. KANE: Okay, that's what I wanted to do, just make sure that it was in the notice. Okay, so the pole barn is going to be 18 foot, did I get that right?

MR. ELY: Correct, in height.

MR. KANE: So the permitted in that area is 15'9".

MR. DITTBRENNER: Because of the setback from the property line, it's 12 feet to the nearest property line which only allows so it's going to be a 15 foot variance.

MR. KANE: Okay, so let's just note that for the pole barn we're looking for a 15 foot.

MR. DITTBRENNER: Just the nature of the beast on how close it is to the property line.

MR. KANE: Are you sure on the 18 foot number? Cause I wouldn't want you to be two inches off and get measured, you know what I mean?

MR. ARGENIO: No, we figured that as an absolute maximum, Mr. Chairman, we're thinking 16, 17 feet and as you said, if we get, if we make a mistake it's 17'2" at 18 foot we're okay and there's nothing, I mean, there's nothing around us and we own the parcels next door.

MR. KANE: Just want to make sure all the legal numbers are right there and you don't go through all this and all of a sudden you're 18'1".

MR. ARGENIO: Agreed.

MR. KANE: So 15 foot variance is going to be requested on the height for the pole barn. Okay, at this point what I'm going to do I think is open it up to the audience, ask one more time if there's anybody here for this particular hearing? Seeing as there's not, I'll bring back to Nicole, ask her how many mailings we had.

MS. JULIAN: On the 21st day of December, 2009, I mailed out 18 addressed envelopes with no written response.

MR. KANE: Now I'll open it up to the board for questions. We already covered that there's not going to be any substantial removal of vegetation or trees, there's not going to be any water runoffs or hazards created and there are no easements going through it, nothing that we have to worry about so we covered the bases on those. And on the pole barn, the three foot is what you're going to be left on the one side?

MR. ELY: Correct.

MR. KANE: To where the road is?

MR. ELY: Correct, to the property line.

MR. BEDETTI: Those access roads they're all private roads?

MR. ELY: Correct.

MR. KANE: I have no other questions myself, except for one thing. Did you guys with the additional office space on there was it necessary to look at parking?

MR. DITTBRENNER: That was not in the referral.

MR. KANE: It was not in the referral then we're not going to worry about it. Okay, just want to make sure there's nothing. Any further questions from the board?

MR. DITTBRENNER: I would clarify it's in the bulk table.

MR. KANE: Okay, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the

variance for Argenio Brothers on proposed addition and pole barn, on the pole barn a 12 foot variance request for side yard and a 15 foot variance for building height and on the main building a 7.1 foot building height as requested.

MR. MCDONALD: Second it.

ROLL CALL

MS. VOLPE	AYE
MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. MCDONALD	AYE
MR. KANE	AYE

MR. ELY: Thank you very much.

MR. ARGENIO: Thank you, ladies and gentlemen.

DAVID_&_PHYLLIS_CHAPMAN_(09-35)

MR. KANE: Tonight's final public hearing is David and Phyllis Chapman request for existing 12 x 20 attached rear deck will not meet minimum rear yard setback of 50 foot at 114 Glendale Drive.

Mr. David Chapman appeared before the board for this proposal.

MR. CHAPMAN: We built a deck approximately 20 years ago under the existing code and did not realize that our contractor he had started the building permit process, never finished it. We have an existing deck that's 12 x 20, we're in the process of selling our house and I need to get the deck in compliance.

MR. KANE: As far as you remember, cut down any substantial vegetation or trees in the building of the deck?

MR. CHAPMAN: No.

MR. KANE: Create any water hazards or runoffs?

MR. CHAPMAN: No.

MR. KANE: Any easements running through where the deck is?

MR. CHAPMAN: No, sir.

MR. KANE: Have there been any complaints about the deck formally or informally over the last 20 years?

MR. CHAPMAN: No, sir.

MR. KANE: Is the deck similar in size and nature to other decks that are in your neighborhood?

MR. CHAPMAN: Yes, I believe I supplied a number of pictures of decks in the neighborhood, it's an old neighborhood and you can't get 50 foot setback, I believe our property line is 31 feet from the edge of the house.

MR. KANE: You also understand that if we approve your meeting tonight you still have to meet all the standards for the building department?

MR. CHAPMAN: Yes.

MR. KANE: At this point, I will open it up to the public, ask if there's anybody in the audience for this particular hearing? Seeing as there's not, I will close the public portion of the meeting and ask Nicole how many mailings we had.

MS. JULIAN: On the 16th day of December, 2009, I mailed out 78 addressed envelopes with no written response.

MR. CHAPMAN: I can't believe it's that many people within 500 feet.

MR. KANE: Used to be certified mail too.

MR. CHAPMAN: Believe me it was expensive.

MR. KANE: Back to the board, any further questions? No further questions?

MR. BEDETTI: How far off the ground is the deck?

MR. CHAPMAN: Base of the deck I believe is 9 foot, I believe there's an architectural rendering from Decksapces, they're going to be doing modifications.

MR. KANE: Glass sliding doors?

MR. CHAPMAN: Yes, I do, at the far end of the deck.

MR. KANE: So without the deck there it would be a safety hazard?

MR. CHAPMAN: It would be a significant eye opening experience.

MR. KANE: Okay, I'll accept a motion.

MR. DITTBRENNER: I move that we approve the application of David and Phyllis Chapman for a variance requested at 114 Glendale Drive as relates to a rear deck that does not meet the rear yard setback, the variance requested is 19 feet.

MR. BEDETTI: I'll second it.

ROLL CALL

MS. VOLPE	AYE
MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. MCDONALD	AYE
MR. KANE	AYE

MR. KANE: Mr. Yannone one more time for the record? Nobody home. And Mr. Torpey? Nobody home. Motion to adjourn?

MR. DITTBRENNER: So moved.

MR. BEDETTI: Second it.

ROLL CALL

MS. VOLPE	AYE
MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. MCDONALD	AYE

January 11, 2010

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

